

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

MICHAEL R. TURNER,

Petitioner,

-vs-

STUART HUDSON, Warden,

Respondent.

:

Case No. 2:07-cv-595

:

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

:

**ORDER DECLARING PENDING REPORTS AND
RECOMMENDATIONS MOOT**

On March 21, 2013, the Court overruled Objections by Respondent to the Order (Doc. No. 165) and Supplemental Opinion (Doc. No. 175) of Magistrate Judge Merz allowing Petitioner to file an amended petition and ordered that the amended petition be filed forthwith (Doc. No. 204). The result of that Order is that Magistrate Judge Merz's Report and Recommendations on the merits (Doc. No. 135) and his Supplemental Report and Recommendations on the Merits and on Petitioner's Motion for Certificate of Appealability (Doc. No. 152) are not ripe for review on objections because the Reports and Recommendations are not complete. S. D. Ohio Crim. R. 57.2 provides that the Court's opinion in any capital habeas corpus case "shall separately state each issue raised by the petition and will rule expressly on each issue stating the reasons for each ruling made." The Court will not be in a position to comply with Rule 57.2 until the newly-added claims are adjudicated and Magistrate Judge Merz has filed a report and recommendations on those claims.

Accordingly, the pending Report and Recommendations (Doc. No. 135), the pending Supplemental Report and Recommendations (Doc. No. 152), the Motion for Certificate of Appealability (Doc. No. 149), Petitioner's Supplemental Objections (Doc. No. 158); Magistrate Judge Merz's Report and Recommendations on Issues Raised by Recent Supreme Court Decisions (Doc. No. 188); Petitioner's Objections to that Report and Recommendations (Doc. No. 192), and Magistrate Judge Merz's Supplemental Report and Recommendations on Issues Raised by Recent Supreme Court Decisions (Doc. No. 195) are all found to be MOOT without prejudice to consideration of the issues raised therein when the case becomes ripe for final decision.

DATED: 3/22/2013

____s/ Timothy S. Black_____
Timothy S. Black
United States District Court Judge